

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDREW VALLES,

Plaintiff,

-against-

ATTORNEY GENERAL OF THE UNITED
STATES; ATTORNEY GENERAL OF THE
STATE OF CALIFORNIA; ATTORNEY
GENERAL OF THE STATE OF NEW YORK;
ATTORNEY GENERAL OF THE STATE OF
UTAH,

Defendants.

25-CV-2215 (AS)

ORDER OF SERVICE

ARUN SUBRAMANIAN, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action challenging the constitutionality of various aspects of the Sex Offender Registration and Notification Act (SORNA) and seeking injunctive relief. By order dated April 16, 2025, the Court granted Plaintiff's request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees.

DISCUSSION

A. Service on U.S. Attorney General and Attorney General of the State of New York

Because Plaintiff has been granted permission to proceed IFP, he is entitled to assistance from the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants United States Attorney General and the Attorney General of the State of New York through the U.S. Marshals Service, the Clerk of Court is instructed to: (1) fill out a U.S. Marshals Service Process Receipt and Return form (USM-285 form) for each defendant; and (2) issue a summons and deliver to the Marshals Service a copy of this order and all other paperwork necessary for the Marshals Service to effect service on the United States Attorney General and the Attorney General of the State of New York. For Defendant

¹Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

United States Attorney General, the Clerk of Court is further instructed to mark the box on the USM-285 form labeled “Check for service on U.S.A.”²

If the complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is directed to mail an information package to Plaintiff. The claims against the Attorneys General of the States of Utah and California are stayed pending further order of the Court.

The Clerk of Court is further instructed to issue summonses for Defendants Attorney General of the State of New York and United States Attorney General, complete the USM-285 forms with the address for each Defendant, and deliver to the U.S. Marshals Service all documents necessary to effect service. The Clerk of Court is further instructed, for service on the United States Attorney General, to mark the box on the USM-285 form labeled “Check for service on U.S.A.”

SO ORDERED.

Dated: April 17, 2025
New York, New York



ARUN SUBRAMANIAN
United States District Judge

² In the interest of prompt consideration of Plaintiff’s “emergency complaint” and requests for preliminary injunctive relief (ECF Nos. 1, 3), the Court does not, at this stage, direct service on the out-of-state defendants, and the claims against the Attorneys General of the States of Utah and California are stayed pending further order of the Court.

SERVICE ADDRESS FOR EACH DEFENDANT

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